

REMARKS

Please reconsider this application in view of the following remarks.

- Claims 1-30 are pending.
- Claims 1-16 are rejected.
- Claims 17-30 are withdrawn from consideration as nonelected.

All of the claims have been reformatted.

Applicants' Claim 1 reads as follows:

1. (Original) A stent comprising a carbon deposit **im-planted** at a depth within a surface of the stent.

Applicants' Claim 12 reads as follows:

12. (Original) A medical device comprising an im-plantable body having a surface, a substance **implanted** at a depth within the surface, and an organic film layer deposited on the surface and chemically bonded to the substance.

As can be seen in paragraphs 8, 17, 18, 20, 28, 29, 30, 32, 33, and 34 and Figures 2A-2D of the specification, as filed, Applicants intend "implanted" to have the definition as set out below.

ion implantation: n, a high-energy process that injects an ionized species such as boron, phosphorus, arsenic, or other ions into a semiconductor substrate. [SEMATECH]

<http://www.sematech.org/resources/publishing/dictionary/ion.htm#0.2.1CJZI2.XB2U8L.NL6PCD.16>

When that definition is taken into consideration, neither the reference to Keogh et al., U.S. Patent No. 5,925,552, nor to Wright et al., U. S. Patent No. 6,273,913, contemplate a structure with "carbon 'implanted' within a surface of a stent". At best these references describe a stent in which carbon has been deposited on the surface or within voids in the surface of the stent. As stated above, Applicants' carbon is injected through the intact (not hollowed out) surface of the stent and penetrates to a depth. Thus, on a molecular level, from the stent surface down to a depth beneath the surface, the stent material is a composite of the untreated stent material and carbon atoms injected into that material. The references cited by the Examiner do not show, teach, or result in a composite.

Because the cited references do not make obvious each and every element of Applicants' claims, the current office action has not made out a prima facie case of obviousness. For instance, the references do not teach the composite discussed above, and the Examiner has not explained why one of ordinary skill in the art would modify the cited references to reach Applicants' composite. Please remove the obviousness rejection of Claims 1 and 12. Since Claims 2-11 and 13-16 depend from Claims 1 and 12, respectively, they are patentable for at least the same reasons as discussed above for Claims 1 and 12. Therefore, please remove the obviousness rejection of Claims 2-11 and 12-16, as well.

With respect to withdrawn process claims 17-30, Applicants request that these process claims be rejoined in accordance with the Guidelines on Treatment of Product and Process Claims issued by the Commissioner to personnel of the Patent and Trademark Office. <http://www.uspto.gov/web/offices/com/sol/og/con/files/cons104.htm>.

Claims 17-30 are in essence process claims for making the products of claims 1-16 and are commensurate in scope with those claims. Therefore, since Claims 1-16 are allowable, please rejoin and examine process Claims 17-30.

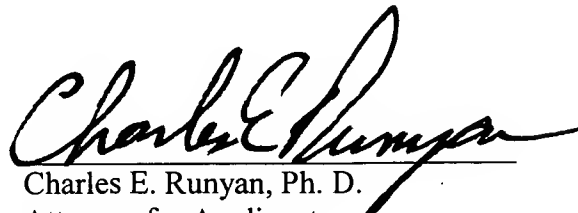
Finally, Applicants' records do not indicate whether or not formal drawings have been filed. Please let me know the status of the formal drawings.

Since all claims are in a condition for allowance, please issue a Notice of Allowability so stating. If I can be of any help, please contact me.

Respectfully submitted,

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